

REMARKS

In the outstanding Office Action mailed August 20, 2008, the Examiner took the following actions:

- (a) rejected claims 34-42, 48, 49, 54-56, 61, 63, and 66 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent Application Publication No. 2002/0088529 A1 to Ogawa et al. ("Ogawa");
- (b) rejected claims 43-47, 57, 58, and 60 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of at least one of U.S. Patent Application Publication No. 2001/0042586 A1 to Caretta et al. ("Caretta") and U.S. Patent Application Publication No. 2006/0096696 A1 to Oku et al. ("Oku");
- (c) rejected claims 50-53, 64, and 65 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa; and
- (d) rejected claims 59 and 62 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of U.S. Patent Application Publication No. 2001/0002608 A1 to Okada et al. ("Okada").

By this reply, claims 34, 42-50, 54, 56-60, 63, and 66 have been amended, and claim 62 has been cancelled. Accordingly, claims 34-61 and 63-66 remain pending in this application. No new matter has been introduced by this reply.

I. Rejection of claims 34-42, 48, 49, 54-56, 61, 63, and 66 under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Ogawa

In light of the amendments to the claims, Applicant respectfully requests withdrawal of the rejection of claims 34-42, 48, 49, 54-56, 61, 63, and 66 under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Ogawa. The rejection under 35 U.S.C. § 102(b) will be addressed first, followed by a discussion of the alternative rejection under 35 U.S.C. § 103(a).

M.P.E.P. § 2131 states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Ogawa fails to teach or even suggest each and every element in claims 34-42, 48, 49, 54-56, 61, 63, and 66, whether expressly or inherently, and thus, Ogawa does not anticipate the claims.

For example, independent claim 34 has been amended, and now recites, *inter alia*,

[a] method of assembling tyres for vehicle wheels . . . wherein applying the tread band and applying the pair of sidewalls are cyclically carried out following a controlled rate on a first primary drum and a second primary drum, wherein a step of disposing the carcass structure on one of the first and second primary drums is carried out before completing assembling of a tyre on the other of the first and second primary drums.

Ogawa, on the other hand, discloses

. . . a carcass ply . . . is applied to a carcass band drum . . . in order to deform the carcass ply into a cylindrical shape, thereby producing a carcass band.

FIG. 1a shows a case where a rubber chafer 16 and a sidewall 17 are obtained . . . by winding round respective strips . . . FIG. 1b shows a case where the sidewall 17 is obtained by winding . . . while the rubber chafer 16a is obtained by . . . application . . . by adhesion.

. . . after the center portion of carcass band 13 is deformed by expansion until it is brought into intimate contact with . . . a belt layer ring 21 properly set in advance, an unvulcanized rubber strip 14 . . . [is] applied to the outer peripheral face of the belt layer ring 21 by spirally winding round the rubber strip thereupon; and thus a tread 22 . . . is formed on the center portion of carcass band 23.

Ogawa, paragraphs [0039], [0041], and [0049]. While Ogawa discloses the use of various drums (e.g., a shaping drum, a carcass band shaping drum, and a belt tread band, discussed in paragraphs [0056] and [0061]) to form a tyre, Ogawa does not teach or even suggest applying tread 22 or belt tread bands 18 and 36, and applying sidewall

17 cyclically following a controlled rate on two of those drums. Nor does Ogawa teach or even suggest disposing a carcass ply or carcass band 13 on one of those drums before completing assembly of a tyre on the other of those drums. Therefore Ogawa fails to teach or even suggest at least the above-identified features of amended independent claim 34. Accordingly, Applicant respectfully requests withdrawal of the rejection.

As for the rejection under 35 U.S.C. § 103(a), Applicant respectfully requests withdrawal in light of the amendment to independent claim 34. The *prima facie* case of obviousness required to reject independent claim 34 cannot be established due to the deficiencies of Ogawa discussed above with respect to the rejection under 35 U.S.C. § 102(b). The mere conclusory statements provided on page 3 of the Office Action fail to remedy the deficiencies of Ogawa. Moreover, such mere conclusory statements cannot sustain rejections on obviousness. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Accordingly, Applicant respectfully requests withdrawal of the rejection, and the timely allowance of amended independent claim 34.

Independent claim 54 has also been amended, and now recites, *inter alia*,

[a]n apparatus for assembling tyres for vehicle wheels, comprising: a first primary drum; a second primary drum; at least two actuating assemblies . . . wherein each of the first and second primary drums is arranged to support the carcass structure . . . wherein the first primary drum is engaged by a first actuating assembly, wherein the second primary drum is engaged by a second actuating assembly, and wherein the first and second primary drums interact sequentially with devices for disposing the carcass structure, the at least one unit for applying the tread band, and the at least one unit for applying the pair of sidewalls.

At least these features are not taught or suggested by Ogawa, either expressly or inherently. As such, Applicant respectfully requests withdrawal of the rejections of

amended independent claim 54 under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) based on Ogawa.

Claims 35-42, 48, 49, 55, 56, 61, 63, and 66 each depend from one of amended independent claims 34 and 54, and are allowable for at least the reasons stated above with respect to amended independent claims 34 and 54. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

II. Rejection of claims 43-47, 57, 58, and 60 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view of at least one of Caretta and Oku

Claims 43-47, 57, 58, and 60 depend from one of amended independent claims 34 and 54, and thus include all the elements thereof. As set forth above, Ogawa fails to teach, or even suggest, each and every feature recited in independent claim 34, and required by claims 43-47. As also set forth above, Ogawa fails to teach, or even suggest, each and every feature recited in independent claim 54, and required by claims 57, 58, and 60. Both Caretta and Oku fail to cure the deficiencies of Ogawa. Accordingly, a *prima facie* case of obviousness cannot be established with respect to claims 43-47, 57, 58, and 60, and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

III. Rejection of claims 50-53, 64, and 65 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa

Claims 50-53, 64, and 65 depend from one of amended independent claims 34 and 54, and thus include all the elements thereof. As set forth above, Ogawa fails to teach, or even suggest, each and every feature recited in independent claim 34, and required by claims 50-53. As also set forth above, Ogawa fails to teach, or even

suggest, each and every feature recited in independent claim 54, and required by claims 64 and 65. The reasoning on pages 5 and 6 of the Office Action fails to cure the deficiencies of Ogawa. Accordingly, a *prima facie* case of obviousness cannot be established with respect to claims 50-53, 64, and 65, and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

IV. Rejection of claims 59 and 62 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of Okada

Features previously recited in claim 62, now canceled, have been added to independent claim 54. As noted above, amended independent claim 54 now recites, *inter alia*,

wherein the first primary drum is engaged by a first actuating assembly, wherein the second primary drum is engaged by a second actuating assembly, and wherein the first and second primary drums interact sequentially with devices for disposing the carcass structure, the at least one unit for applying the tread band, and the at least one unit for applying the pair of sidewalls.

With respect to previous claim 62, page 6 of the Office Action asserts,

[b]uilding the tire using a drum movable along a carriage between winding positions and/or two drums upon which the tire is built would have been an obvious building configuration in view of Okada et al. which is also directed to forming tires in a multistage process including strip winding and suggests suitably moving a drum carriage along a guide (e.g. note 13/14 in fig. 1) or using two different drums (14a/14b in fig. 7) sequentially located at the building positions.

Even assuming the Office Action's asserted interpretation of Okada is accurate, and Applicant does not agree that it is, Okada would not remedy the deficiencies of Ogawa with respect to amended independent claim 54. While Okada discloses providing two band drums 14a and 14b, Okada discloses that they are engaged by one driving section 13. See Okada, paragraphs [0074] and [0075], and Fig. 7. Okada does not teach that

drums 14a and 14b are engaged by first and second actuating assemblies. Thus, Okada fails to remedy the deficiencies of Okada. Therefore a *prima facie* case of obviousness has not been established.

Claim 59 depends from amended independent claim 54, and thus includes all the elements thereof. As set forth above, Ogawa fails to teach, or even suggest, each and every feature recited in independent claim 54, and required by claim 59. Okada fails to cure this deficiency of Ogawa. Accordingly, a *prima facie* case of obviousness cannot be established with respect to claim 59, and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

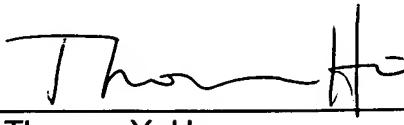
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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